

1 Timothy T. Scott (SBN 126971)  
tscott@sidley.com  
2 Geoffrey M. Ezgar (SBN 184243)  
gezgar@sidley.com  
3 Paul L. Yanosy (SBN 233014)  
pyanosy@sidley.com  
4 SIDLEY AUSTIN LLP  
555 California Street  
5 San Francisco, California 94104  
Telephone: (415) 772-1200  
6 Facsimile: (415) 772-7400

7 Paul E. Kalb, M.D.  
SIDLEY AUSTIN LLP  
8 1501 K Street, N.W.  
Washington, D.C. 20005  
9 Telephone: (202) 736-8000  
Facsimile: (202) 736-8711

10 Nina M. Gussack  
11 Andrew R. Rogoff  
PEPPER HAMILTON LLP  
12 3000 Two Logan Square  
Eighteenth and Arch Streets  
13 Philadelphia, PA 19103-2799  
Telephone: (215) 981-4000  
14 Facsimile: (202) 981-4750

15 Attorneys For Defendant  
ELI LILLY AND COMPANY  
16

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 STATE OF CALIFORNIA *ex rel.* JAYDEEN ) Case No. 07-04911 EMC  
20 VICENTE and JAYDEEN VICENTE )  
Individually, )

21 )  
22 Plaintiffs, )

23 v. )

24 ELI LILLY AND COMPANY, )  
25 Defendant. )  
26 )

**DECLINATION TO PROCEED BEFORE  
A MAGISTRATE JUDGE AND REQUEST  
FOR REASSIGNMENT TO A UNITED  
STATES DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party in the above-captioned civil matter hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: September 25, 2007

SIDLEY AUSTIN LLP

By: /s/ Timothy T. Scott

Timothy T. Scott

Attorneys For Defendant  
ELI LILLY AND COMPANY

**PROOF OF SERVICE**

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is Sidley Austin LLP, 555 California Street, San Francisco, California 94104.

On September 25, 2007, I served the foregoing document(s) described as **DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE** on all interested parties in this action as follows (or as on the attached service list):

- ☒ (U.S. MAIL) I served the foregoing document(s) by U.S. Mail, as follows: I placed true copies of the document(s) in a sealed envelope addressed to each interested party as shown above. I placed each such envelope for collection and mailing at Sidley Austin LLP, San Francisco, California. I am readily familiar with the Firm's business practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business, with postage thereon fully prepaid.
- ☐ (FACSIMILE) I caused the foregoing document(s) to be served by facsimile transmission from facsimile machine number (415) 772-7400 to the interested party at the facsimile telephone numbers shown. Each transmission was reported as complete and without error. A transmission report was properly issued by the sending facsimile machine for each interested party served.
- ☐ (FEDERAL EXPRESS) I served the foregoing document(s) by Federal Express as follows: I placed true copies of the document(s) in a sealed envelope addressed to each interested party as shown above. I placed each such envelope for collection and mailing at Sidley Austin LLP, San Francisco, California. I am readily familiar with the Firm's practice for collection and processing of correspondence for mailing via Federal Express (an express service carrier which provides overnight delivery). Under that practice, the sealed, addressed envelope(s) are delivered to an authorized courier or driver authorized by Federal Express the same date they are collected and processed, with all charges paid.
- ☐ (HAND DELIVERY) I caused the document(s) to be delivered by hand by a courier service to the addressee(s) shown above unless otherwise noted.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 25, 2007, at San Francisco, California.

By: \_\_\_\_\_

Lisa Donohue

**SERVICE LIST**

Nancy Hirsh, Esq., State Bar No. 49091 (By Messenger and U.S. Mail)  
Mark E. Burton, Jr. Esq., State Bar No. 178400  
Rachel Abrams, Esq., State Bar No. 209316  
HERSH & HERSH  
A Professional Corporation  
601 Van Ness Avenue, 2080 Opera Plaza  
San Francisco, CA 94102-6388  
(415) 441-5544

Mark Zahner, Chief Prosecutor, State Bar No. 137732  
Brian V. Frankel, Supervising Attorney General, State Bar No. 116802  
1455 Frazee Road, Suite 315  
San Diego, CA 92108  
(619) 688-6065

Edmund G. Brown, Jr., Attorney General of the State of California  
Office of the Attorney General  
1300 "T" Street  
P.O. Box. 944255  
Sacramento, CA 94244-2550